

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL J. COOK,

Plaintiff,

v.

DR. L. OVERALL, DR. HENDERSON, DR.  
NEWBOLD, DR. CRAIG, WEXFORD  
HEALTH SOURCES, JOHN DOE 1 and  
JOHN DOE 2,

Defendants.

Case No. 14-cv-120-JPG-PMF

**MEMORANDUM AND  
ORDER REFERRING CASE**

This matter comes before the Court on plaintiff Michael J. Cook's motion to voluntarily dismiss defendant Dr. Craig without prejudice (Doc. 67), which the Court construes as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action against a defendant without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Dr. Craig has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case against Dr. Craig at the present time, the Court finds that all claims against Dr. Craig are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

A consent to have a United States Magistrate Judge conduct all proceedings in this case having been filed by all remaining parties, and pursuant to an Order entered February 26, 2012, this case is referred to United States Magistrate Judge Philip M. Frazier to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73.

**IT IS SO ORDERED.**  
**DATED: May 31, 2016**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**